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APR 28 2005

In re Application of
Judd
Application No. 10/821,112
Filed: April 8, 2004
Attorney Docket No. JUDD01-00002
For: VIRTUAL ANTENNA TECHNOLOGY
(VAT) AND APPLICATIONS

OFFICE OF PETITIONS
: **DECISION ACCORDING**
: **STATUS UNDER**
: **37 CFR 1.47(b)**

This is in response to the reconsideration petition under 37 CFR 1.47(b), filed March 28, 2005 (certificate of mailing date October 21, 2004).

The petition is granted.

Petitioner has shown that the non-signing inventor, Mano Dorey Judd, has constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the petition signed by Attorney Daniel E. Venglarik establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration. In addition, petitioner has shown that Davis Munck, A Professional Corporation (Davis Munck) has a proprietary interest in the above-identified application with the copy of the agreement showing that the inventor had granted a security interest in the invention to Davis Munick. Mr. Venglarik states that Davis Munck has executed on that security interest and is now 100% owner of the invention. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Technology Center 2821 for examination in due course.

Telephone inquiries should be directed to the undersigned at (517) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions



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In re Application of

Judd

Application No. 10/821,112

Filed: April 8, 2004

Attorney Docket No. JUDD01-00002

For: VIRTUAL ANTENNA TECHNOLOGY
(VAT) AND APPLICATIONS

LETTER

Dear Mr. Judd:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

Attorney of Record: Docket Clerk
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